HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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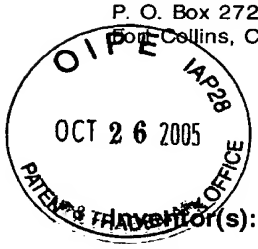
Fort Collins, Colorado 80527-2400

AF 2133/100 JFW

PATENT APPLICATION

ATTORNEY DOCKET NO. 10004863-1



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John C. Crandall et al. **Confirmation No.:** 2639

Application No.: 09/784,727 **Examiner:** Fritz Alphonse

Filing Date: 02/15/2001 **Group Art Unit:** 2133

Title: COMMUNICATIONS SYSTEM FOR AIPLANE PASSENGERS

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on **August 26, 2005**.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( )	one month	$120.00
( )	two months	$450.00
( )	three months	$1020.00
( )	four months	$1590.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of **$500.00**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: **Oct. 24, 2005**

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( ) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number_____ on _____

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Respectfully submitted,

John C. Crandall et al.

By Nellie C. Kaufman

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:	Confirmation No.: 2639
JOHN C. CRANDALL et al.	Group Art Unit: 2133
Serial No.: 09/784,727	Examiner: Alphonse, Fritz
Filed: February 15, 2001	Atty. Docket: 10004863-1
For: COMMUNICATIONS SYSTEM FOR AIRPLANE PASSENGERS	

APPEAL BRIEF

To: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in response to the final rejection of the claims mailed May 2, 2005. A Notice of Appeal was filed on August 26, 2005.

TABLE OF CONTENTS

This brief contains items under the following headings as required by 37 CFR §41.37 and MPEP §1205.02:

I. REAL PARTY IN INTEREST

The real party in interest in the above-reference Appeal is Hewlett-Packard Development Company, LP, having a principal place of business at 20555 S.H. 249, Houston, Texas 77070, U.S.A.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals, judicial proceedings or interferences currently known to Appellants, Appellants' legal representatives or the assignee, which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

Claims 1-22 were filed with the application. Claims 1-22 are pending in the application and stand rejected. The rejection of claims 1-22 is appealed.

IV. STATUS OF AMENDMENTS

No amendments were filed or entered subsequent to the final rejection mailed May 2, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention as claimed is summarized below with reference to the specification by page and line number and to the drawing figures by reference characters.

The invention is directed to a communications system (12, Figs. 1 and 5), comprising a plurality of communications units (14, Figs. 1-3 and 5) fixedly mounted onboard an airplane (10, Fig. 1), and specifically in the seatbacks (18, Figs. 1-4) thereof. Each of the communications units (14, Figs. 1-3 and 5) is adapted to be operated by an associated passenger (not shown) who may perform digital image viewing functions (page 5, line 17 - page 7, line 9) and/or scanning functions (page 7, line 10 - page 9, line 4). Each of the communications units (14, Figs. 1-3 and 5) may comprise at least one receiver (36, Figs. 2-3; page 5, line 17 - page 6, line 2) adapted to receive image data that is stored on a digital camera memory device (28, Fig. 3) and input by an associated passenger, and also adapted to display the image data on a video screen (24, Figs. 2-4). The video screen (24, Figs. 2-4) may be provided on each of the communications units (14, Figs. 1-3 and 5), or a PC connection device (34, Fig. 2) may be provided on each of the communications units (14, Figs. 1-3 and 5) which connects to a passenger's personal computer (not shown) that has its own video screen. The receiver (36, Figs. 2-3) may consist of, for example, a digital camera memory card reader (38, Fig. 2), an infrared receiver (40, Fig. 3), or a radio signal receiver (42, Fig. 3). Alternatively or in addition to at least one receiver (36, Figs. 2-3), each of the communications units (14, Figs. 1-3 and 5) may comprise a scanner (50, Fig. 4; page 8, lines 3-17) adapted to scan a document provided by an associated passenger and display a scanned image of the

document on a video screen (24, Figs. 2-4). At least one processor (46, Fig. 3; 66; Fig. 4; 72, Fig. 5) is operatively connected to the receiver (36, Figs. 2-3) and/or scanner (50, Fig. 4) and the video screen (24, Figs. 2-4). A control apparatus (44, Fig. 3; 54, Fig. 4) may be provided to control the image data and/or scanned image on the video screen (24, Figs. 2-4). At least one remote connection device (48, Fig. 3; 68, Fig. 4; 74, Fig. 5) may also be provided which is adapted to connect each of the communications units (14, Figs. 1-3 and 5) to a remote location such as the Internet, a remote server, or the like. A remote connection device (48, Fig. 3; 68, Fig. 4; 74, Fig. 5) and processor (46, Fig. 3; 66; Fig. 4; 72, Fig. 5) may be located within each of the communications units (14, Figs. 1-3 and 5; page 6, line 17 - page 7, line 5), or they may be located within a central processing unit (70, Fig. 5; page 7, lines 5-9 and page 9, line 9 - page 10, line 3) which would also be located onboard the airplane (10, Fig. 1).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-11 are unpatentable under 35 U.S.C. §103(a) over Weinberger, U.S. Patent No. 6,499,027 (hereinafter "Weinberger"), in view of Clemens, PCT Patent Publication No. WO 99/40723 (hereinafter "Clemens"), and further in view of Pugliese, U.S. Patent No. 6,044,353 (hereinafter "Pugliese").

B. Whether claims 12-20 are unpatentable under 35 U.S.C. §103(a) over Weinberger in view of Lafreniere, U.S. Patent No. 4,821,118 (hereinafter "Lafreniere").

C. Whether claims 21-22 are unpatentable under 35 U.S.C. §103(a) over Weinberger in view of Clemens and Lafreniere and in further view of Pugliese.

VII. ARGUMENT

Legal Standard for Claim Rejection Under 35 U.S.C. §103

The test for obviousness under 35 U.S.C. §103 is whether the claimed invention would have been obvious to those skilled in the art in light of the knowledge made available by the references. *In re Donovan*, 184 USPQ 414, 420, n. 3 (CCPA 1975). It requires consideration of the entirety of the disclosures of the references. *In re Rinehart*, 189 USPQ 143, 146 (CCPA 1976). All limitations of the claims must be considered. *In re Boe*, 184 USPQ 38, 40 (CCPA 1974). In addition, the propriety of a §103 rejection is to be determined by whether the reference teachings appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed substitution, combination, or other modifications. *In re Lintner*, 173 USPQ 560, 562 (CCPA 1972).

A basic mandate inherent in §103 is that a piecemeal reconstruction of prior art patents shall not be the basis for a holding of obviousness. It is impermissible within the framework of §103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. *In re Kamm*, 172 USPQ 298, 301-302 (CCPA 1972).

When determining the patentability of a claimed invention which combines two known elements, the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1073 (Fed. Cir. 2000). In other words, there must be something in the teachings of

cited references to suggest to an individual skilled in the art that a claimed invention would be obvious. *W. L. Gore and Associates v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983). This position was reaffirmed in the case of *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 43 USPQ 2d 1294 (Fed. Cir. 1997). *Arkie Lures* involved the combination of a plastic fishing lure with salt materials to yield a highly attractive lure product. The prior art disclosed both concepts (salty bait and plastic lures) separately but not in combination. The CAFC ultimately held that the invention under consideration was not obvious. Even though both of the claimed features were disclosed by the cited art, the CAFC concluded that this was insufficient to prove a case of obviousness in the absence of a teaching or suggestion in the art to combine the references.

Likewise, the requirement that a **concrete suggestion** be present in the cited art for a proper obviousness rejection to be made is even further supported by *C.R. Bard Inc. v. M3 Systems Inc.*, 48 USPQ 2d 1225 (Fed. Cir. 1998). This case involved an allegation that a particular medical needle apparatus was merely a product of "obvious modifications" to a prior needle assembly. The CAFC disagreed and stated that the claimed invention was neither suggested nor taught by the prior art, and further indicated that the "invention that was made, however, does not make itself obvious; **that suggestion or teaching must come from the prior art**" itself. 48 USPQ 2d at 1232 (emphasis added). The CAFC also concluded that the requisite suggestion or teaching was so important that, in its absence, the claimed invention could not have been obvious. According to the court, "Absent this essential evidentiary component of an obviousness holding, as a matter of law the

verdicts of invalidity on that ground cannot stand. Consequently, the judgment of invalidity based on obviousness is reversed." 48 USPQ 2d at 1232.

Argument re Ground A

Claims 1-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weinberger in view of Clemens and further in view of Pugliese. Appellants respectfully assert that, for at least the reasons advanced below, claims 1-11 are not unpatentable over these references.

Appellants' claim 1 recites the following (emphasis added):

1. A communications system, comprising:

a) **a plurality of communications units fixedly mounted onboard an airplane**, each of said communications units being adapted to be operated by an associated passenger to perform digital image viewing functions, whereby **each of said communications units comprises at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by said associated passenger and display said image data on a video screen**; and

b) at least one processor operatively connected to said at least one receiver and said video screen.

Weinberger is directed to a passenger entertainment system (100) that provides services to passengers in the form of audio and video on-demand, information dissemination, product and service order processing, video teleconferencing using a video camera (267) at each passenger's seat, and data

communication services between on-board passengers and others via a communications link. A passenger may select from a menu of services using a passenger control unit (121) with depressible buttons. As noted by the Examiner on page 2 of the final Office Action dated May 2, 2005, Weinberger does **not** provide a digital camera.

Clemens is directed to a system for capturing a still image during video streaming operations using a digital camera (10) that is connected to a computer (12). In other words, a digital camera (10) with dual still image and video streaming capabilities is disclosed.

Pugliese is directed to a baggage check-in and security system and method. A video camera (130) may be provided to record a picture of each bag as it is checked so that a digital image thereof may be stored in the passenger record to aid in finding lost bags.

Neither Weinberger nor Clemens discloses the communications system of Appellants' claim 1 which comprises "a plurality of communications units fixedly mounted onboard an airplane", whereby each of the communications units comprises "at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by said associated passenger and display said image data on a video screen" (Appellants' claim 1, element a). Nor does the combination of Weinberger and Clemens disclose Appellants' claim 1. As noted above, Weinberger includes a video camera (267) at each passenger's seat so that the passenger may be viewed during a teleconference. Thus, the video capture as taught by Weinberger is limited to the passenger and his/her immediate area onboard an airplane. Also as noted above, Clemens discloses a system for

capturing a still image during video streaming operations using a digital camera (10) that is connected to a computer (12). A combination of Weinberger and Clemens could allow the video camera of Weinberger to **capture still images of a passenger and his/her immediate area during a teleconference**. However, this is **not** Appellants' claimed invention, which allows a passenger to **input image data (e.g., still images from a vacation or the like) stored on a digital camera memory device into a receiver and view that image data on a video screen at his/her seat.**

Furthermore, the addition of Pugliese does nothing to overcome the deficiencies of Weinberger and Clemens. On page 3 of the final Office Action dated May 2, 2005, the Examiner admits that "Weinberger and [Clemens] do not disclose image data 'is stored on a digital camera memory device'. However, this is obvious and very well known in the art, as evidenced by Pugliese (col. 4, lines 48-52)." The evidence to which the Examiner refers in Pugliese reads as follows:

> ...It is also possible to provide a digital camera in the machine to take a picture of each bag, to be stored in the passenger record as graphic data, for later use in finding and identifying lost bags. [Pugliese, col. 4, lines 48-52].

In column 12, on lines 57-60, Pugliese further explains that the "digital camera" may be a video camera (130) located in an airport terminal that records a picture of each bag as it is checked, so that a digital image may be stored in the passenger record to aid in finding lost bags. Unlike Appellants' communications units, the video camera (130) of Pugliese is not "fixedly mounted onboard an airplane" (Appellants' claim 1, element a) and instead may be found in an **airport terminal**. Thus, like Weinberger and Clemens, Pugliese clearly does **not** disclose a plurality of communications units **fixedly mounted onboard an airplane**, whereby each of the

communications units comprises at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by the associated passenger and display the image data on a video screen, as recited in Appellants' claim 1. On page 3 of the final Office Action dated May 2, 2005, the Examiner states that "it would have been obvious... to improve upon the security system, as disclosed by Pugliese. Doing so would provide a security system, which allows a passenger to check-in his or her own baggage without the assistance of airline terminal [sic]." Since Appellants do **not** claim a security system or a baggage check-in system, even if this statement by the Examiner was correct, the combination of Weinberger, Clemens and Pugliese would **not** produce the invention of Appellants' claim 1.

Furthermore, the combination of Weinberger, Clemens and Pugliese is entirely improper in that there is absolutely **no** suggestion in **any** of these references that would motivate one skilled in the art to make such a combination. More specifically, there is nothing in Weinberger to suggest that its communications system with video teleconferencing capabilities should or could be modified to include a digital camera with dual still image and video streaming capabilities such as that taught by Clemens. There is also nothing in Clemens that would suggest that its system including a digital camera and a computer should or could be utilized onboard an airplane. As discussed above, a concrete suggestion must be present in the cited art for a proper obviousness rejection to be made, and that suggestion or teaching must come from the prior art itself. *See, e.g., Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1073 (Fed. Cir. 2000); *W. L. Gore and Associates v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983); *Arkie Lures, Inc. v.*

Gene Larew Tackle, Inc., 43 USPQ 2d 1294 (Fed. Cir. 1997); and *C.R. Bard Inc. v. M3 Systems Inc.*, 48 USPQ 2d 1225 (Fed. Cir. 1998). With regard to Pugliese, there is nothing in this reference to suggest that its video camera should or could be utilized onboard an airplane. Since none of these references provide the necessary suggestion to combine them in an attempt to produce Appellants' claimed invention, such a combination cannot properly be made.

For at least the reasons discussed above, Appellants respectfully assert that claim 1 is allowable over Weinberger and Clemens in view of Pugliese. Appellants also respectfully assert that claims 2-11, which are each directly or ultimately dependent on claim 1 and include all of the limitations of claim 1, are allowable over Weinberger and Clemens in view of Pugliese as depending from an allowable base claim, and also because of the novel and nonobvious combination of elements disclosed therein which are not disclosed in the cited references.

Argument re Ground B

Claims 12-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weinberger in view of Lafreniere. Appellants respectfully assert that, for at least the reasons advanced below, claims 12-20 are not unpatentable over these references.

Appellants' claim 12 recites the following (emphasis added):

12. A communications system, comprising:

a) **a plurality of communications units fixedly mounted onboard an airplane, each of said communications units being adapted to be operated by an associated passenger to perform scanning functions,**

whereby each of said communications units comprises a scanner adapted to scan a document provided by said associated passenger and display a scanned image of said document on a video screen;

b) at least one processor operatively connected to said scanner and said video screen; and

c) at least one remote connection device adapted to connect each of said communications units to a remote location in order to send said scanned image of said document to said remote location.

As noted by the Examiner on page 4 of an Office Action dated September 8, 2004, Weinberger does **not** disclose "a scanner adapted to scan a document and display a scanned image of said document on a video screen" (Appellants' claim 12, element a). The Examiner also stated that "...Lafreniere (fig. 14) discloses a video system for personal identification. The system comprises a scanner (124) adapted to scan a document and display a scanned image of said document on a video screen (142)." However, Appellants assert that Lafreniere clearly does **not** disclose a plurality of communications units fixedly mounted onboard an airplane, whereby each of the communications units comprises a scanner, as recited in Appellants' claim 12.

Lafreniere is directed to a video image system for rapidly recording a person and his identification card, combining those images, and presenting the combined image on a video monitor for immediate inspection by a guard, store clerk or attendant. The system includes a video scanner (124) for scanning the identification

card and video cameras (111, 123) for providing images of the person's palm and face.

Thus, the Examiner has suggested that the scanner disclosed in Lafreniere could be used in a communications unit onboard an airplane. However, Appellants assert that the combination of Weinberger with Lafreniere is entirely improper since there is absolutely **no** suggestion in **either** reference that would motivate one skilled in the art to combine these references in the manner suggested by the Examiner. As discussed above, a concrete suggestion must be present in the cited art for a proper obviousness rejection to be made, and that suggestion or teaching must come from the prior art itself. *See, e.g., Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1073 (Fed. Cir. 2000); *W. L. Gore and Associates v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983); *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 43 USPQ 2d 1294 (Fed. Cir. 1997); and *C.R. Bard Inc. v. M3 Systems Inc.*, 48 USPQ 2d 1225 (Fed. Cir. 1998). More specifically, there would be no motivation to provide a communications system for use by an airplane passenger as taught by Weinberger that includes a scanner that scans a passenger's identification card (or a video camera that captures images of the passenger's face and palm) as taught by Lafreniere since **identification of airplane passengers occurs before the passenger reaches his/her seat**. For the same reason, there would be no motivation to provide the video image system of Lafreniere for each passenger on an airplane. If anything, the Lafreniere system could be set up in an airport **terminal** for passengers to identify themselves **before** boarding an airplane. However, this is **not** Appellants' invention as recited in claim 12. Since neither Weinberger nor Lafreniere provides the necessary suggestion to combine these references in an

attempt to produce Appellants' claimed invention, such a combination cannot properly be made.

For at least these reasons, Appellants respectfully assert that claim 12 is allowable over Weinberger in view of Lafreniere. Appellants also respectfully assert that claims 13-20, which are each directly dependent on claim 12 and include all of the limitations of claim 12, are allowable over Weinberger in view of Lafreniere as depending from an allowable base claim, and also because of the novel and nonobvious combination of elements disclosed therein which are not disclosed in the cited references.

Argument re Ground C

Claims 21-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weinberger in view of Clemens and Lafreniere, and further in view of Pugliese. Appellants respectfully assert that claims 21-22 are not unpatentable over these references for the same reasons that claims 1 and 12 are not unpatentable over these references, as discussed in further detail below.

Appellants' claim 21 recites the following (emphasis added):

21. A communications system, comprising:

a) **a plurality of communications units fixedly mounted onboard an airplane**, each of said communications units being adapted to be operated by an associated passenger to perform digital image viewing and scanning functions, whereby each of said communications units comprises:

I) **at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by said**

associated passenger and display said image data on a video screen; and

ii) **a scanner adapted to scan a document provided by said associated passenger and display a scanned image of said document on a video screen**;

b) at least one processor operatively connected to said at least one receiver, said scanner, and said video screen; and

c) at least one remote connection device adapted to connect said communications units to a remote location in order to send said scanned image of said document to said remote location.

Appellants' claim 22 recites the following (emphasis added):

22. A communications system, comprising:

a) **a plurality of communications units fixedly mounted onboard an airplane**, each of said communications units comprising:

I) **at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by an associated passenger and display said image data on a video screen; and**

ii) **a scanner adapted to scan a document provided by an associated passenger and display a scanned image of said document on a video screen**;

b) at least one processor operatively connected to said at least one receiver, said scanner, and said video screen; and

c) at least one remote connection device adapted to connect said communications units to a remote location in order to send said scanned image of said document to said remote location.

Each of claims 21 and 22 contains essentially the same elements highlighted in bold type above in claims 1 and 12. The arguments above regarding Appellants' claims 1 and 12 are herein renewed, and these arguments will be briefly reviewed below. First, neither Weinberger nor Clemens discloses the communications system of Appellants' claim 21 or 22 which comprises "a plurality of communications units fixedly mounted onboard an airplane", whereby each of the communications units comprises "at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by said associated passenger and display said image data on a video screen" (Appellants' claim 21 or 22, element ai, which corresponds to claim 1, element a). Furthermore, as noted by the Examiner on page 4 of an Office Action dated September 8, 2004, Weinberger also does **not** disclose "a scanner adapted to scan a document and display a scanned image of said document on a video screen" (Appellants' claim 21 or 22, element aii, which corresponds to claim 12, element a). The Examiner does not assert that Clemens discloses this element, which this reference clearly does not. Nor does the combination of Weinberger and Clemens disclose Appellants' claim 21 or 22, as discussed above relative to Appellants' claim 1. Lafreniere adds nothing to the deficiencies of Weinberger and Clemens since Lafreniere clearly does **not** disclose a plurality of communications units fixedly mounted onboard an airplane, whereby

each of the communications units comprises a scanner, as claimed by Appellants in claims 21 and 22 (elements aii).

Also as discussed above relative to Appellants' claim 1, the addition of Pugliese does nothing to overcome the deficiencies of Weinberger and Clemens. Unlike Appellants' communications units, the video camera (130) of Pugliese is not "fixedly mounted onboard an airplane" (Appellants' claim 21 or 22, element a) and instead may be found in an **airport terminal**. Thus, like Weinberger and Clemens, Pugliese clearly does **not** disclose a plurality of communications units **fixedly mounted onboard an airplane**, whereby each of the communications units comprises at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by the associated passenger and display the image data on a video screen (Appellants' claim 21 or 22, element ai). On page 3 of the final Office Action dated May 2, 2005, with regard to Appellants' claim 1, the Examiner states that "it would have been obvious... to improve upon the security system, as disclosed by Pugliese. Doing so would provide a security system, which allows a passenger to check-in his or her own baggage without the assistance of airline terminal [sic]." Since Appellants do **not** claim a security system or a baggage check-in system in either of claims 21 or 22, even if this statement by the Examiner was correct, the combination of Weinberger, Clemens and Pugliese would **not** produce the invention of Appellants' claim 21 or 22.

Furthermore, the combination of Weinberger, Clemens and Pugliese is entirely improper in that there is absolutely **no** suggestion in **any** of these references that would motivate one skilled in the art to combine these references, as discussed above relative to Appellants' claim 1. More specifically, there is nothing in

Weinberger to suggest that its communications system with video teleconferencing capabilities should or could be modified to include a digital camera with dual still image and video streaming capabilities such as that taught by Clemens. There is also nothing in Clemens that would suggest that its system including a digital camera and a computer should or could be utilized onboard an airplane. As discussed above, a concrete suggestion must be present in the cited art for a proper obviousness rejection to be made, and that suggestion or teaching must come from the prior art itself. *See, e.g., Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1073 (Fed. Cir. 2000); *W. L. Gore and Associates v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983); *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 43 USPQ 2d 1294 (Fed. Cir. 1997); and *C.R. Bard Inc. v. M3 Systems Inc.*, 48 USPQ 2d 1225 (Fed. Cir. 1998). With regard to Pugliese, there is nothing in this reference to suggest that its video camera should or could be utilized onboard an airplane. Since none of these references provide the necessary suggestion to combine them in an attempt to produce Appellants' claimed invention, such a combination cannot properly be made.

Finally, as discussed above relative to Appellants' claim 12, the combination of Weinberger with Lafreniere is also entirely improper since there is absolutely **no** suggestion in **either** reference that would motivate one skilled in the art to combine these references in the manner suggested by the Examiner. More specifically, there would be no motivation to provide a communications system for use by an airplane passenger as taught by Weinberger that includes a scanner that scans a passenger's identification card (or a video camera that captures images of the passenger's face and palm) as taught by Lafreniere since **identification of airplane**

passengers occurs before the passenger reaches his/her seat. For the same reason, there would be no motivation to provide a video image system of Lafreniere for each passenger on an airplane. If anything, the Lafreniere system could be set up in an airport **terminal** for passengers to identify themselves **before** boarding an airplane. However, this is **not** Appellants' invention as recited in claims 21 and 22. Since neither Weinberger nor Lafreniere provides the necessary suggestion to combine these references in an attempt to produce Appellants' claimed invention, such a combination cannot properly be made.

For at least the reasons discussed above, Appellants respectfully assert that claims 21-22 are allowable over Weinberger in view of Clemens and Lafreniere, and further in view of Pugliese.

VIII. CLAIMS

A copy of the claims involved in the present Appeal is attached hereto as a Claims Appendix. As indicated above, the claims in the Appendix do not incorporate any amendments after final rejection.

IX. EVIDENCE

There is no evidence pursuant to §§ 1.130, 1.131 or 1.132, nor is there any other evidence that was previously entered by the Examiner and relied upon by the Appellants in the present Appeal. An Evidence Appendix indicative thereof is attached hereto.

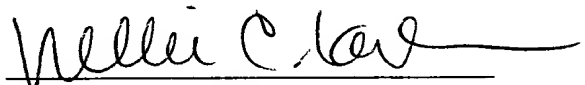
X. RELATED PROCEEDINGS

There were no decisions related to the present Appeal that were rendered by a court or the Board in any proceeding identified pursuant to 37 CFR 41.37(c)(1)(ii). A Related Proceedings Appendix indicative thereof is attached hereto.

Respectfully submitted,

KLAAS, LAW, O'MEARA & MALKIN, P.C.

Dated: October 24, 2005

By: 

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CLAIMS APPENDIX

1. A communications system, comprising:

a) a plurality of communications units fixedly mounted onboard an airplane, each of said communications units being adapted to be operated by an associated passenger to perform digital image viewing functions, whereby each of said communications units comprises at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by said associated passenger and display said image data on a video screen; and

b) at least one processor operatively connected to said at least one receiver and said video screen.

2. The communications system of claim 1 wherein a first plurality of said plurality of communications units are fixedly mounted within seatbacks on said airplane.

3. The communications system of claim 1, each of said communications units further comprising control apparatus operatively connected to said at least one processor and said video screen which is adapted to control said image data on said video screen.

4. The communications system of claim 1, each of said communications units further comprising a video monitor, said video monitor comprising said video screen.

5. The communications system of claim 1 wherein said digital camera memory device is a memory card from a digital camera and at least one receiver is a digital camera memory card reader adapted to receive said memory card from said digital camera.

6. The communications system of claim 1 wherein said at least one receiver is an infrared receiver adapted to communicate with an infrared transmitter on a digital camera.

7. The communications system of claim 1 wherein said at least one receiver is a radio signal receiver adapted to communicate with a radio signal transmitter on a digital camera.

8. The communications system of claim 1 further comprising at least one remote connection device adapted to connect each of said communications units to a remote location.

9. The communications system of claim 8 further comprising a central processing unit operatively connected to said plurality of communications units, wherein said at least one processor and said at least one remote connection device are located within said central processing unit.

10. The communications system of claim 8 wherein said at least one processor and said at least one remote connection device are located within each of said communications units.

11. The communications system of claim 8 wherein said at least one remote connection device is adapted to connect each of said communications units to the Internet.

12. A communications system, comprising:

a) a plurality of communications units fixedly mounted onboard an airplane, each of said communications units being adapted to be operated by an associated passenger to perform scanning functions, whereby each of said communications units comprises a scanner adapted to scan a document provided by said associated passenger and display a scanned image of said document on a video screen;

b) at least one processor operatively connected to said scanner and said video screen; and

c) at least one remote connection device adapted to connect each of said communications units to a remote location in order to send said scanned image of said document to said remote location.

13. The communications system of claim 12 wherein a first plurality of said plurality of communications units are fixedly mounted within seatbacks on said airplane.

14. The communications system of claim 12, each of said communications units further comprising apparatus operatively connected to said at least one processor and said video screen which is adapted to control said scanned image on said video screen.

15. The communications system of claim 12, each of said communications units further comprising a video monitor, said video monitor comprising said video screen.

16. The communications system of claim 12, each of said communications units further comprising a PC connection device adapted to connect said scanner to a passenger's personal computer comprising said video screen.

17. The communications system of claim 12, said scanner comprising:

a) at least one port adapted to receive and eject a document;

b) a driving mechanism positioned adjacent to said port which is adapted to drive a document into and out of said port; and

c) a scanning module operatively connected to said at least one processor.

18. The communications system of claim 12 further comprising a central processing unit operatively connected to said plurality of communications units, wherein said at least one processor and said at least one remote connection device are located within said central processing unit.

19. The communications system of claim 12 wherein said at least one processor and said at least one remote connection device are located within each of said communications units.

20. The communications system of claim 12 wherein said remote connection device is adapted to connect each of said communications units to the Internet.

21. A communications system, comprising:

a) a plurality of communications units fixedly mounted onboard an airplane, each of said communications units being adapted to be operated by an associated passenger to perform digital image viewing and scanning functions, whereby each of said communications units comprises:

i) at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by said associated passenger and display said image data on a video screen; and

ii) a scanner adapted to scan a document provided by said associated passenger and display a scanned image of said document on a video screen;

b) at least one processor operatively connected to said at least one receiver, said scanner, and said video screen; and

c) at least one remote connection device adapted to connect said communications units to a remote location in order to send said scanned image of said document to said remote location.

22. A communications system, comprising:

a) a plurality of communications units fixedly mounted onboard an airplane, each of said communications units comprising:

i) at least one receiver adapted to receive image data that is stored on a digital camera memory device and input by an associated passenger and display said image data on a video screen; and

ii) a scanner adapted to scan a document provided by an associated passenger and display a scanned image of said document on a video screen;

b) at least one processor operatively connected to said at least one receiver, said scanner, and said video screen; and

c) at least one remote connection device adapted to connect said communications units to a remote location in order to send said scanned image of said document to said remote location.

EVIDENCE APPENDIX

NONE.

RELATED PROCEEDINGS APPENDIX

NONE.